

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CARDELL TOLIVER, IN HIS  
REPRESENTATIVE CAPACITY,  
ON BEHALF OF ALL WRONGFUL  
DEATH BENEFICIARIES OF  
CORNELIUS TOLIVER**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 4:03CV11-P-B**

**NATIONAL HERITAGE REALTY, INC.,  
D/B/A GREENWOOD HEALTH AND  
REHABILITATION CENTER; AND JOHN  
AND JANE DOES 1-10**

**DEFENDANTS**

**ORDER**

This cause is before the Court on the defendant's Motion in Limine to Exclude the Introduction of Deposition Testimony Taken in Other Matters or Documents Plaintiff May Have Obtained in Other Matters [163]. The Court, having reviewed the motion, the response, the briefs of the parties, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant seeks the entry of an order prohibiting plaintiff's counsel from attempting to introduce deposition testimony or documents pertaining to other matters involving the defendant or any former or current agent, employee or officer thereof on grounds of relevancy. The Court declines to make such a blanket ruling at the present time. However, in the event plaintiff seeks to use particular deposition testimony or documents from sources outside this case, the Court instructs plaintiff to obtain a ruling regarding admissibility before introducing such testimony or other

evidence in the presence of the jury.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion in Limine to Exclude the Introduction of Deposition Testimony Taken in Other Matters or Documents Plaintiff May Have Obtained in Other Matters [163] is not well-taken and should be, DENIED, subject to the limitations imposed on plaintiff's counsel in the body of this Order.

SO ORDERED, this the 28<sup>th</sup> day of February, 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE